

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 V.) Cr. No. 04-40015-FDS
)
 JONATHAN VEGA, and)
 TODD HICKEY,)
)
 Defendants)

*filed in
open court
UBH
9/9/04*

PARTIES' JOINT MEMORANDUM CONCERNING STATUS CONFERENCE

The United States of America, by Michael J. Sullivan, United States Attorney, and John M. Hodgens, Jr., Assistant U.S. Attorney, and Defendants, by their counsel, having conferred, report as follows concerning L.R. 116.5 and the Court's Initial Scheduling Order:

1. 116.5(A)(1). The parties see no need for relief from the discovery timing requirements.

2. 116.5(A)(2). The Government expects to have expert witness testimony regarding: (1) latent prints at the scene of the burglary; (2) a report concerning the successful test-firing; and (3) a report concerning the interstate nexus of the firearm. Upon receipt, such reports shall be disclosed promptly. The Government shall make its Fed. R. Evid. 702 and 703 disclosures no later than two weeks prior to trial (recognizing its duty to supplement).

3. 116.5(A)(3). The Government expects to receive reports as described in ¶2., above.

4. 116.5(A)(4). The parties do not seek a motion date at this time but will request one, if necessary.

5. 116.5(A)(5). The parties have no disagreement on the periods of excludable delay in this case. Time has been excluded through September 9, 2004. The parties jointly request that time be excluded from September 9, 2004 through the date set by the Court for an Interim Status Conference.


6. 116.5(A)(6). Defendant Hickey asks that his case be sent to Judge Saylor for a Rule 11 hearing. Defendant Vega asks that his case be set for an Interim Status Conference so that he may discuss a possible Rule 11 disposition. In the event the case proceeds to trial, the Government anticipates approximately five trial days, including jury selection.

7. 116.5(A)(7). Defendant Vega requests a date for an Interim Status Conference

Respectfully submitted,

MICHAEL J. SULLIVAN
UNITED STATES ATTORNEY

By:


JOHN M. HODGENS, JR.
Assistant U.S. Attorney

AGREED:

Jonathan Vega
Defendant

By:

for John M. Hodgman Jr.
James Dilday, Esq.

Todd Hickey
Defendant


By:

for John M. Hodgman Jr.
Raymond A. O'Hara, Esq.

SS., WORCESTER

CERTIFICATE OF SERVICE

I, John M. Hodgens, Jr., Assistant U.S. Attorney, hereby certify that a copy of the foregoing will be mailed/faxed to the below-named counsel on this the 9th day of September, 2004.


JOHN M. HODGENS, JR.
Assistant U.S. Attorney

Raymond A. O'Hara, Esq.
James Dilday, Esq.